



WISCONSIN REGULATORY DIGEST

A Publication of the DEPARTMENT OF REGULATION AND LICENSING FOR THE PRACTICE OF ACUPUNCTURE

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Access to Health Care Records

Wisconsin Statute 146.83, concerning access to health care records has been amended by 1997 Wis. Act 157 to require that health care providers release records directly to a patient's health care provider upon request and with a statement of informed consent. The amendment also prohibits concealing or withholding health care records from a patient's health care provider or to prevent or obstruct an investigation or prosecution. Violations of the

statute as amended still include actual damages and exemplary damages along with injunctive relief. This amendment was effective in April 1998. Copies of the amendment are available from the department or via internet at the www.state.wi.us under "legislature."

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credential holder may renew his or her certificate after 5 years of non-renewal. The credential holder will within one year prior to renewal have successfully completed the NCCAOM examination on acupuncture or have.

Section RL 72.02(1) was amended to delete unnecessary words relating to the sterilization of acupuncture equipment coming in contact with the patient's blood or penetrating the skin. Section RL 72.03(1) was amended to replace "choice" with "option" for clarity. Section RL 72.06(3) is amended to accurately reference "HIV," by removing the term "virus."

Section RL 72.07(2) was created relating to an acupuncturist obtaining from each patient a medical history pertinent to the patient's chief complaints. Section RL 73.01 (title) and (intro.), (4), (6), (8) and (9), were amended to revise the title and to clarify grounds for denial of certification or discipline.

Sections RL 73.02 and 73.03 were created to outline use of titles and examples of false, deceptive or misleading advertising. The sections contain examples of titles for advertising and the conditions under which an acupuncturist is prohibited from using the initials "M.D." or "medical doctor." Existing law prohibits acupuncturists from advertising in a manner that is false, deceptive or misleading. Currently, no statute or administrative rule identifies specific professional titles that are prohibited or generally permitted to be used by certified acupuncturists in professional practice. Certificate holders have questioned whether all certified acupuncturists may use certain professional titles, such as D.O.M. (Doctor of Oriental Medicine) or C.A. (Certified Acupuncturist), and under which circumstances a certificate holder may use the title "Dr." or "Doctor." The use of a title, such as Ph.D., in professional practice is a form of advertising given limited constitutional protection as commercial speech. The rules were formulated to be consistent with constitutional protection from state regulation and also effectively enforce the requirement that advertising not be false, deceptive or misleading.

Examination Information

Wisconsin currently uses examinations from the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) for acupuncture certification. The examinations are the Comprehensive Written Examination (CWE) and the Practical Examination of Point Location Skills (PIPLS). The CWE contains a subsection called the Clean Needle Technique Portion (CNTP), and a passing score must be achieved on this subsection in order to pass the CWE. Candidates must also complete the Clean Needle Technique (CNT) course given by the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM), in order to be eligible for certification in Wisconsin.

Complaint Procedures

The Board must rely on professionals in the field as well as unsatisfied customers to file complaints. If you have a complaint about a professional, you can contact the Department for a complaint form at (608)266-3736 or submit your complaint in writing. Please provide as much information as possible.

Credential holders, if a complaint is filed against you, be aware that you have legal rights to due process. You will be contacted by the Department during the investigative stage and given an opportunity to defend yourself. You may be represented by an attorney.

Discipline

None

Meeting Dates:

1998: July 28; and October 27.

2:00 p.m. - 4:00 p.m., Room 179A,
Department of Regulation and Licensing

All meetings are open to the public and held at: 1400 E. Washington Avenue, Madison, WI. All meetings are subject to cancellation without notification, please call to see if the meeting will be held.

Telephones

Automated Phone System for Acupuncture, Chiropractic, Marriage & Family Therapists, Nursing, Optometry, Professional Counselors, Psychology, & Social Workers: (608) 266-0145

- Press 1, then 4 **Application Requests for License & Continuing Education**
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All verification requests must be in writing. Requests for verifications to other states must be in writing. The cost is \$10. Please make out check or money order to the Department of Regulation and Licensing.

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@mail.state.wi.us

Wisconsin Statutes and Code

Copies of the Acupuncture Advisory Committee Statutes and Administrative Code can be ordered through the Bureau Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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